

The Georgia State Board of Physical Therapy met on **June 15, 2004** at the Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia for the purpose of conducting business.

Members Present:

- Sandra Eskew Capps, P.T., President
- Charlene D. Portee, P.T., Vice President
- Bernice B. Chaney, P.T.A.
- Anthony F. Ellis, P.T.
- Brad S. Freemyer, P.T.
- Patricia H. Willis, P.T.

Others Present:

- Robert Renjel, Assistant Attorney General (Arrived at 10:15 A.M.)
- Anita O. Martin, Executive Director
- Lea F. Williams, Applications Specialist/Board Secretary
- Geoff Aulds, PTAG Representative
- Ronald Lev

President Eskew Capps established that a quorum was present, and called the meeting to order at 9:10 A.M. in **OPEN SESSION**.

May 18, 2004 Minutes: Ms. Chaney made a motion to **approve** the minutes as presented. The motion was seconded by Mr. Freemyer and approved by the Board.

Roster of New Licensees: Ms. Portee made a motion to **approve** the roster of new licensees. The motion was seconded by Ms. Willis and approved by the Board. (Attachment #1)

E-mail from Ann Tyminski of the FSBPT: Mr. Ellis made a motion to **advise** Ms. Tyminski that the law does not prohibit candidates from taking the NPTE before applying for licensure to Georgia, but the Board rules do and that the Board is not in support of this proposal. Ms. Willis seconded the motion and it was approved by the Board.

E-mail from Susanna Stanley, P.T.: Mr. Freemyer made a motion to **advise** Ms. Stanley that the Board is precluded from offering legal opinions or interpretations of the rules and laws, but to advise that only licensed PTA's can function as PTA's, that treatment must be billed under the licensee that performed the treatment, and to seek legal counsel. The motion was seconded by Ms. Chaney and approved by the Board.

Draft Rule Amendments: Ms. Portee made a motion to **post** Rules 490-2-.01, 490-2-.02, 490-2-.05, 490-2-.06, 490-2-.07, and 490-2-.08. Mr. Freemyer seconded the motion and it was approved by all members present, which included Ms. Eskew Capps, Ms. Chaney, Mr. Ellis and Ms. Willis. (Attachment #2)

Rule 490-1-.04: Mr. Freemyer made a motion to **repeal** this rule. The motion was seconded by Ms. Chaney and approved by the Board, with Ms. Eskew Capps and Ms. Willis in favor of the motion and Ms. Portee and Mr. Ellis opposing the motion. (Attachment #3)

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Physical Therapy.

Mr. Freemyer moved, Ms. Chaney seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §43-1-2(k) to deliberate on applications. Voting in favor of the motion were those present who included Board members Eskew Capps, Ellis, Willis, and Portee. The Board concluded **Executive Session** in order to vote on these matters and to continue with the public session.

Letter submitted by Marcia Pearl, P.T. on behalf of M.A.K., Applicant: The Board viewed this item as informational, as no request has been submitted by the applicant.

D.L.J., Exam Applicant: Ms. Chaney made a motion to **issue** the license with a letter of concern once the applicant passes the exams. The motion was seconded by Mr. Ellis and approved by the Board, with Ms. Willis opposing and Ms. Portee abstaining from the vote.

E.S.A., PTA Foreign Educated Exam Applicant: Ms. Portee made a motion to **advise** the applicant that the Board does not accept credential evaluations from the company used. The motion was seconded by Mr. Ellis and approved by the Board.

Mr. Freemyer moved, Ms. Portee seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §43-1-19(h)(2) to deliberate on disciplinary matters, and to receive information on enforcement, cognizant, and attorney general reports. Voting in favor of the motion were those present who included Board members Eskew Capps, Chaney, Willis and Ellis. The Board concluded **Executive Session** in order to vote on these matters and to continue with the public session.

COGNIZANT REPORT:

#02-004

Ms. Chaney made a motion to accept the cognizant's recommendation to **close** the case with a Letter of Concern, and forward the case to the Insurance Commissioner's Office. The motion was seconded by Mr. Freemyer and approved by the Board.

EXECUTIVE DIRECTOR'S REPORT:

- Discussed the status of the rule amendments.
- Reported that she will be attending the FSBPT's July meeting, but she cannot attend the meeting in September. The Board requested that Mrs. Williams attend the Administrators Forum meeting in September.

A.G.'S REPORT:

- Rendered advice regarding physician owned practices as requested by the Board.

OTHER BUSINESS:

Plan of Further Study submitted by C.D.C.: Ms. Portee made a motion to **deny** the plan submitted and suggest she return to school. The motion was seconded by Ms. Chaney and approved by the Board.

Request submitted by Rick Segal, Ph.D. of Emory University: Mr. Ellis made a motion to **deny** the request to allow Emory students to take the NPTE before official transcripts are received by the Board office. The motion was seconded by Ms. Willis and approved by the Board.

PTA Exam application submitted by H.D.P.: Mr. Freemyer made a motion to **approve** the application. The motion was seconded by Ms. Willis and approved by the Board.

Reinstatement Applicant, R.L.: Ms. Portee made a motion to uphold the Board's previous decision to **deny** R.L.'s request for a waiver of the 1000 hours of supervised practice. The motion was seconded by Ms. Chaney and approved by the Board, with Ms. Willis abstaining.

Further Study Committee Report: Ms. Willis reported on the committee's conference call that was held June 14, 2004. The Board requested that the "Re-examination Procedure" developed by the committee be incorporated into Rule 490-3-.02. (Attachment #4)

The Board voted Sandy Eskew Capps as Delegate and Charlene Portee as the Alternate for the FSBPT Annual Meeting in September. Patti Willis will attend if either is not available and funding is made available.

There being no further business to come before the Board, the meeting was adjourned at 2:40 P.M. on June 15, 2004.

Minutes prepared by: Lea Williams, Board Secretary
Reviewed/Edited by: Anita O. Martin, Executive Director

Sandra Eskew Capps, P.T.
Board President

Mollie L. Fleeman
Division Director

PT Licenses Issued May 10, 2004 though June 7, 2004

<i>License #</i>	<i>Name</i>	<i>License Type</i>	<i>Issue Date</i>
PT008039	Boyd, Brian Christopher	Physical Therapist	5/10/2004
PT008040	Lowy, Suzanne Lyn	Physical Therapist	5/10/2004
PT008041	Longo, Karen R.	Physical Therapist	5/12/2004
PT008042	Barnett, Brooke Noelle	Physical Therapist	5/13/2004
PT008043	Frysz, Joseph Andrew, Jr.	Physical Therapist	5/13/2004
PT008044	Shank, Michelle Elaine	Physical Therapist	5/14/2004
PT008045	Justice, Susan Keith	Physical Therapist	5/17/2004
PT008046	Lapid, Roland Paul Espiritu	Physical Therapist	5/19/2004
PT008047	Stein, Michael Thomas	Physical Therapist	5/20/2004
PT008048	Watson, Sumalee Arunakul	Physical Therapist	5/20/2004
PT008049	Gandionco, Marycris Medina	Physical Therapist	5/20/2004
PT008050	Davis, Amayana Ramiro	Physical Therapist	5/21/2004
PT008051	Crawley, Scott Edward	Physical Therapist	5/21/2004
PT008052	Sampson, Sara Beth	Physical Therapist	5/21/2004
PT008053	Kiss, Anthony Attila	Physical Therapist	5/24/2004
PT008054	Moody, Michelle Christine	Physical Therapist	5/24/2004
PT008055	Hamann, Lori Ann	Physical Therapist	5/24/2004
PT008056	Pittman, Paulette Kimberly	Physical Therapist	5/24/2004
PT008057	Beckler, Greta Jane	Physical Therapist	5/25/2004
PT008058	Stein, Julie Anne	Physical Therapist	5/25/2004
PT008059	Tefertiller, Candace Rae	Physical Therapist	5/28/2004
PT008060	McKenna, Gregory Michael	Physical Therapist	6/1/2004
PT008061	Plumley, Suzanne Teresa	Physical Therapist	6/4/2004
PT008062	Bernstein, Jennith	Physical Therapist	6/4/2004
PT008063	Payne, Sunshine Melissa	Physical Therapist	6/4/2004
PT008064	Garrison, Tara Leigh	Physical Therapist	6/4/2004
PT008065	Sherer, Christy Lee	Physical Therapist	6/4/2004
PT008066	Pursner, Ronald Henry	Physical Therapist	6/4/2004
PT008067	Davis, Cynthia Rena	Physical Therapist	6/7/2004

PTA Licenses Issued May 10, 2004 through June 7, 2004

<i>License #</i>	<i>Name</i>	<i>License Type</i>	<i>Issue Date</i>
PTA002050	Bassing, Linda Elizabeth	Physical Therapist Asst.	5/19/2004 0:00
PTA002051	Faxon, Jody Shane	Physical Therapist Asst.	5/19/2004 0:00
PTA002052	Struzinsky, Shawn Thomas	Physical Therapist Asst.	5/25/2004 0:00
PTA002053	Lander, Catherine Marie	Physical Therapist Asst.	6/1/2004 0:00
PTA002054	Harwell, David V.	Physical Therapist Asst.	6/1/2004 0:00
PTA002055	Harwell, Wendi N.	Physical Therapist Asst.	6/1/2004 0:00

**NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE GEORGIA
STATE BOARD OF PHYSICAL THERAPY RULES 490-4-.02 FOR CONTINUING
COMPETENCE REQUIREMENTS. AMENDED AND NOTICE OF PUBLIC HEARING.**

TO ALL INTERESTED PERSONS AND PARTIES

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Physical Therapy (hereinafter "Board") proposes amendments to the Georgia State Board of Physical Therapy Rules, Rule 490-4-.02, Continuing Competence Requirements. Amended.

The proposed rule amendments clarify information pertaining to continuing competence requirements.

This notice, together with an exact copy of the proposed rule amendments and a synopsis of the proposed rule amendments, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia State Board of Physical Therapy Web page at <http://www.sos.state.ga.us/plb/pt>. Copies may also be requested by contacting the Georgia State Board of Physical Therapy office at 478-207-1686.

A public hearing is scheduled to be held at 9:00 a.m. on May 18, 2004 in the Office of the Secretary of State, Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendments. At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing.

Written comments are welcomed. To ensure their consideration, written comments must be received on or before May 11, 2004. Written comments should be addressed to Mollie L. Fleeman, Division Director, Professional Licensing Boards Division, Georgia State Board of Physical Therapy, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 478-207-1699.

The proposed rule amendments will be considered for adoption by the Georgia State Board of Physical Therapy at its meeting scheduled to begin at 9:05 a.m. on March 16, 2004 in the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The proposed rule amendments are proposed for adoption pursuant to authority contained in The Georgia State Board Of Physical Therapy Act O.C.G.A. §§ **43-1-19, 43-1-24, 43-1-25, 43-33-10, 43-33-14, 43-33-16, and 43-33-18.**

At its meeting on March 16, 2004 the Georgia State Board of Physical Therapy voted that the formulation and adoption of these rules do not impose regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ **43-1-19, 43-1-24, 43-1-25, 43-33-10, 43-33-14, 43-33-16, and 43-33-18.**

Additionally, at its meeting the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ **43-1-19, 43-1-24, 43-1-25, 43-33-10, 43-33-14, 43-33-16, and 43-33-18** to adopt or implement differing actions for businesses as listed at O.C.G.A. §50-13-4(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of Physical Therapy.

For further information, contact the Board office at 478-207-1686.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).

This ____ day of _____, 2004

Mollie L. Fleeman
Division Director

Posted: _____

**SYNOPSIS OF PROPOSED REVISIONS TO THE
GEORGIA STATE BOARD OF PHYSICAL THERAPY RULES FOR
490-4-.02, Continuing Competence Requirements. Amended.**

Rule 490-4-.02 is repealed and a new rule of the same number is proposed for adoption. Typographical and grammatical errors are corrected.

Purpose: The purpose of the proposed rule amendment is to clarify information pertaining to continuing competence requirements.

Main Features: The main features of the proposed rule amendment are to clarify information pertaining to continuing competence requirements.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE
PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF PHYSICAL THERAPY RULES FOR
CONTINUING COMPETENCE REQUIREMENTS. AMENDED 490-4-.02(2), (6)
and (7)**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

490-4-.02 Continuing Competence Requirements. Amended.

(1) The Georgia State Board of Physical Therapy requires each licensed physical therapist and physical therapist assistant to participate in a minimum number of clock hours of experience to promote continuing competence per licensure period. The minimum number of hours is: ~~18 clock hours required until December 1999; 30 clock hours required effective January 2000; 40~~ 40 clock hours required effective January 2002. The Board has defined the requirements for competence as planned learning experiences, ~~which occur beyond the entry level which has content beyond minimal~~ educational requirements for physical therapists and physical therapist assistants. Content of the experience must relate to patient care in physical therapy whether the subject is research, treatment, documentation, education, management, or some other content area. The purpose of this requirement is to assist in assuring safe and effective practices in the provision of physical therapy services to the citizens of Georgia. In the event that a licensee does not meet this requirement, the license will not be renewed.

(a) Continuing competence requirements may be met through the mechanisms identified in the categories, Class I and Class II.

(b) The forty (40) hours of cContinuing competence requirements per biennium include a minimum of four (4) contact hours on ethics and jurisprudence in a Class I activity specifically in ethics and jurisprudence as defined in the Georgia Physical Therapy Act or by passage of the Georgia Jurisprudence Examination. Passage of the examination is equivalent to the four (4) hour requirement.

(c) The total hours required biennially for continuing competence may be distributed between Class I and Class II activities beginning January 2000. Until January 2000, all hours must be obtained through Class I activities. Effective January 2000 and January 2002, a maximum of 10 hours may be obtained through Class II activities. All required hours may be met through Class I activities. Competency credit is the clock hours spent in an activity except as noted below. Any

Class I activity without a stated maximum number of hours may be used to accrue all required hours.

(2) Class I acceptable, continuing competence evidence shall be:

(a) Peer review of practice with verification of acceptable practice by a recognized entity, ~~e.g., American Physical Therapy Association~~; Continuing competence credit is 30 hours per review;

(b) Courses, seminars, workshops, and symposia attended by the licensee which have been approved for continuing education units (CEUs) by appropriate CEU agencies;

(c) Courses, seminars, workshops, and symposia attended by the licensee and approved by the recognized health-related organizations, ~~e.g., American Physical Therapy Association, Arthritis Foundation, Heart Foundation, American Academy of Orthopedic Surgeons, etc.~~ Colleges and universities are considered health related organizations;

(d) Home study courses or courses offered through electronic media that include objectives and verification of satisfactory completion of the course;

(e) University credit courses; Continuing competence credit is 12 hours per semester credit hour;

(f) Participation as a presenter, through a peer review process, in continuing education courses, workshops, seminars or symposia which have been approved by recognized health-related organizations; Continuing competence credit is based on contact hours and may not exceed 20 hours per topic;

(g) Authorship of a presented scientific poster, scientific platform presentation or published article undergoing peer review; Continuing competence credit is 10 hours per event and may not exceed 30 hours;

(h) Teaching a physical therapy or physical therapist assistant credit course when that teaching is an adjunct responsibility and not the primary employment; Continuing competence credit is based on contact hours not to exceed 30 hours;

(i) Certification of clinical specialization by the American Board of Physical Therapy ~~Specialties~~ Specialties. Continuing competence credit is 30 hours and is recognized only in the biennium in which certification or recertification is awarded;

(6) Procedure for verifying with the Board that the continuing competence requirements have been met:

(a) Maintain a signed peer review report or an official program or outline of the course attended or taught or copy of the publication which clearly shows that the objectives and content were related to patient care in physical therapy and shows the number of contact hours, as appropriate. The information also should clearly identify the licensee's responsibility in teaching or authorship. ~~These records should be maintained in the licensee's personal files for no less than three (3) years from the~~

~~beginning date of the licensure period.~~ These records should be maintained in the licensee's personal files for no less than three (3) years from the beginning date of the licensure period through the even numbered year after the license is renewed.

(b) Maintain a CEU certificate or ~~verification~~ verification of completion of home study which identifies the sponsoring entity that can be contacted during an audit, or maintain a copy of the final grade report in the case of a University credit course(s), or specialization certificate, or proof

of attendance with a copy of the program for the other acceptable Class I or II activities, or documentation of self-instruction or reading professional literature. These records should be maintained by the licensee for no less than three (3) years from the beginning date of the licensure period.

(c) Complete the Verification of Continuing Competence form as instructed and mail to the Board office with the renewal card, if audited. The Verification of Continuing Competence form will be mailed to the licensee with the renewal notice, if audited. These records should be maintained in the licensee's personal files for no less than three (3) years from the beginning date of the licensure period through the even numbered year after the license is renewed.

(7) Responsibilities of Licensee:

(a) To maintain the documents identified in number (6) above for no less than three (3) years from the beginning date of the licensure period. These records should be maintained in the licensee's personal files for no less than three (3) years from the beginning date of the licensure period through the even numbered year after the license is renewed.

(b) To submit a properly completed and notarized "Verification of Competence Education" form to the Georgia State Board of Physical Therapy, if audited.

(c) To complete all steps necessary to meet the relicensure requirements on or before October 31st, of odd numbered years.

(d) To provide the Board with information requested during an audit.

(e) To keep a current mailing address on file with the Licensing Board Office at all times.

(8) Responsibilities of the Board:

(a) To maintain the licensure status of all licensees.

(b) To perform audits of licensees' personal records which support information given on the "Verification of Continuing Competence" form submitted to the Board by the licensees.

(c) To mail "Verification of Continuing Competence" forms to licensees prior to October 31st, of odd numbered years, if audited.

(9) Each licensee must assume full ~~responsibility~~ responsibility for meeting the relicensure requirements according to these rules. In the event that a licensee does not meet these requirements, the license will not be renewed.

(10) The Board will perform periodic audits for the purpose of assuring the public of its protection.

Authority: O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-33-10, 43-33-14, 43-33-16, and 43-33-18.